

House Bill 954

By: Representatives Smith of the 70th, Ehrhart of the 36th, McCall of the 30th, Royal of the 171st, and England of the 108th

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on actions to contest rules, and legislative override, so as to change certain exemptions from legislative override; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 50-13-4 of the Official Code of Georgia Annotated, relating to procedural requirements for adoption, amendment, or repeal of rules, emergency rules, limitation on actions to contest rules, and legislative override, is amended by revising subsections (g) and (i) as follows:

"(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection Division of the Department of Natural Resources as to any rule for which, as part of the notice required by paragraph (1) of subsection (a) of this Code section, the director of the division certifies that such rule is required for compliance with federal statutes or regulations, but paragraph (2) of this subsection shall apply to the Environmental Protection Division of the Department of Natural Resources as to any rule so certified. As part of such certification, the director shall cite the specific section or sections of federal statutes or regulations with which the proposed rule is intended to comply. General references to the name or title of a federal statute or regulation shall not suffice for the purposes of this paragraph. Any proposed rule or rules that are subject to this paragraph shall be noticed separately from any proposed rule or rules that are not subject to this paragraph.

(2) In the event the ~~chairman~~ chairperson of any standing committee to which a proposed rule ~~relative to the Environmental Protection Division of the Department of Natural Resources~~ certified by the director of the division pursuant to paragraph (1) of this

1 subsection is assigned notifies the agency director that the committee objects to the
2 adoption of the rule or has questions concerning the purpose, nature, or necessity of ~~the~~
3 such rule, it shall be the duty of the agency director to consult with the committee prior
4 to the adoption of the rule."

5 "(i) This Code section shall not apply to any comprehensive state-wide water management
6 plan or revision thereof prepared by the Environmental Protection Division of the
7 Department of Natural Resources and proposed, adopted, amended, or repealed pursuant
8 to Article 8 of Chapter 5 of Title 12; provided, however, that this Code section shall apply
9 to any rules or regulations implementing such a plan."

10 **SECTION 2.**

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval.

13 **SECTION 3.**

14 All laws and parts of laws in conflict with this Act are repealed.